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***Via Hand Delivery***

March 6, 2018

The Honorable Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Martin Shkreli, Crim No.15-637 (KAM)

Dear Judge Matsumoto,

Housing Works, along with the additional undersigned local, state and national advocacy organizations (22 organizations from 19 states), respectfully submits this letter in support of the Government's Motion for a Preliminary Order of Forfeiture against Martin Shkreli in the above captioned matter. See Dkt. # 464, Gov't Forfeiture Motion.

We are charitable nonprofit organizations, with missions that include fighting for funding and legislation to ensure that all people living with HIV/AIDS have access to quality housing, healthcare, HIV prevention, and treatment, among other lifesaving services.

Our organizations do not normally weigh in on the adjudication of criminal matters. However, it has come to our attention that Mr. Shkreli claims that a forfeiture to the Government of his shares in Vyera Pharmaceuticals (formerly Turing Pharmaceuticals) ("Company") "will have a devastating impact on innocent people—including current Vyera employees, current Vyera shareholders, and *countless patients waiting for Vyera's anticipated treatments for certain orphan and rare diseases.*" January 11, 2018 Letter to the Court from Martin Shkreli's attorneys stating their opposition to the Government's Forfeiture Motion (emphasis added).

Our organizations advocate regularly for the interests of HIV/AIDS patients, some of whose lives depend upon access to Vyera's drug treatment known as Daraprim. Contrary to Mr. Shkreli's assertions, his continued controlling stake in Vyera – particularly his reported ability to appoint and control the Board and Management as he has done - will have a highly negative impact on the "countless patients" for whom he purports to express concern. In fact, his continued involvement has apparently stimulated 2 years of an almost unprecedented level of dysfunction, chaos and infighting among the Company Board, Management and Shareholders.

Among other actions, Mr. Shkreli's direct, or indirect, involvement has according to media and other accounts reportedly (1) stimulated 3 CEO changes over the last 1 year (only 1 with Pharma industry experience), (2) caused the resignation or firing – without replacement – of nearly every C-Suite executive, including the CFO, Treasurer, CMO, Bus. Dev Head, Head Research Officer, and General Counsel, among others, (3) blocked numerous attempts by minority shareholders to introduce new management or to have the Company sold to a more appropriate owner, and (4) forced the Company to incur millions in legal fees –money otherwise available for R&D for the new treatment – related to his presence and interference.



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Moreover, Mr. Shkreli's conviction on numerous fraud counts have brought further controversy and ignominy to the Company, whose reputation already suffered significantly from Shkreli's 2015 decision to raise Daraprim's price, overnight, nearly 5,000% from \$13.50 to \$750. His continued public Facebook and twitter conduct demonstrates an astounding lack of judgment and empathy, as well as a total disregard for the potential impact of his statements on Vyera's business and his role in participating in the Company's effective corporate governance.

In sum, the undersigned organizations see no possible benefit whatsoever to the Company, or patients for whom the Company's life-saving treatments are so vital, of Mr. Shkreli's continued shareholder involvement (presumably from a jail cell). A sale by the Government of Mr. Shkreli's shares (following forfeiture), would provide a unique opportunity to bring sorely needed – non Shkreli affiliated – new Company leadership, beyond the window-dressing of the name change from Turing to Vyera. It would also reassure clinicians who may be reticent to prescribe Daraprim or other future Company drug therapies due to Mr. Shkreli's involvement as a shareholder.

For the reasons set forth above, we urge the Court to act favorably on the Government's Forfeiture Motion with respect to Mr. Shkreli's Company shares.

Very truly yours,

HOUSING WORKS

By 

Name: Charles King

Title: President/CEO



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## **PARTICIPANTS**

1. Interior AIDS Association (AK)
2. AIDS Alabama (AL)
3. API Wellness (CA)
4. AIDS Connecticut (CT)
5. AIDS Drug Assistance Program (ADAP) Advocacy Organization (DC)
6. Community Access National Network (DC)
7. AIDS Delaware (DE)
8. NAMES Project | AIDS Memorial Quilt (GA)
9. Gregory House Programs (HI)
10. Dab the AIDS Bear Project (ID)
11. House of Ruth (KY)
12. Dr. Philip J. Bolduc, Family Health Center of Worcester (MA)
13. AIDS Project of the Ozarks (MO)
14. NC AIDS Action Network (NC)
15. Housing Works (NY)
16. Faces NY, Inc. (NY)
17. Bailey House (NY)
18. ADAP Education Initiative (OH)
19. HIV Alliance (OR)
20. Action Wellness (PA)
21. AIDS Project Rhode Island (RI)
22. Lifelong (WA)



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**Philip J. Bolduc, MD**

Family Health Center of Worcester

26 Queen St.

Worcester, MA



Name: Philip J. Bolduc

Title: Assistant Professor of Family Medicine and Community Health, University of Massachusetts Medical School

#### **A PREVENTABLE, TRAGIC DEATH**

I will share a brief and heartbreaking testimonial related to the 5,000% price increase of Daraprim initiated by Mr. Martin Shkreli and Turing Pharmaceuticals. Two weeks ago a patient of mine suddenly and unexpectedly died of a hospital-acquired infection (septic shock) while remaining hospitalized an extra two weeks with cerebral Toxoplasmosis because outpatient Daraprim wasn't covered by his insurance due to its exorbitant price. Were it not for Mr. Shkreli's stunning, unabashed greed and mendacity, my patient, who was improving and doing well, would not have died in this manner.



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## **INTERIOR AIDS ASSOCIATION**

710 3<sup>rd</sup> Avenue

Fairbanks, Alaska 99701

By: 

Name: Anna Nelson

Title: Executive Director

## **ABOUT INTERIOR AIDS ASSOCIATION**

IAA's mission is to reduce the spread of HIV by providing meaningful and effective education and prevention services to individuals and groups who may be at increased risk; and to improve the quality of life for people living with HIV/AIDS by providing early intervention, case management, and other support services.



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**AIDS ALABAMA**  
3529 7th Avenue South  
Birmingham, AL 35222

By: 

Name: Kathie M. Hiers

Title: Chief Executive Officer

#### **ABOUT AIDS ALABAMA**

AIDS Alabama is community-based, non-profit organization that utilizes its resources and energies statewide to support persons living with or at risk of acquiring HIV to live healthy, independent lives. AIDS Alabama also strives to end AIDS as an epidemic through the prevention of new transmissions of HIV, hepatitis, and sexually-transmitted infections. AIDS Alabama specializes in safe, decent, affordable housing; homelessness prevention; mental health and substance use services; navigator services for the Affordable Care Act; behavioral interventions to reduce risky behaviors; transportation; case management; emergency financial assistance; advocacy for impacted populations; outreach to the Latinx community; and many other programs. These services are delivered statewide through contracts with other AIDS Service Organizations and clinics.





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**SAN FRANCISCO COMMUNITY HEALTH CENTER**  
(formerly API Wellness Center)  
730 Polk Street, 4<sup>th</sup> Floor  
San Francisco, CA 94109

By: 

Name: Lance Toma, LCSW

Title: Chief Executive Officer

#### **ABOUT SAN FRANCISCO COMMUNITY HEALTH CENTER**

The San Francisco Community Health Center (formerly Asian and Pacific Islander Wellness Center) is an LGBTQ and people of color health organization that transforms lives by advancing health, wellness, and equality. We believe everyone deserves to be healthy and needs access to the highest-quality health care. We foster resilience, strength, connection, health, and wellness for all communities. To us, health care will always be grounded in social justice.

Founded in the Tenderloin neighborhood of San Francisco in 1987, SFCHC began as a grassroots response to the AIDS crisis to educate, support, empower, and advocate for those living with or at-risk for HIV/AIDS, primarily within communities of color. Over the years, we have intentionally expanded our commitment and our target populations to include all underserved communities – of all races, ethnicities, ages, genders, gender identities, sexual orientations, and immigration statuses – throughout the San Francisco Bay Area.

Our strategic approach is, and has been,

- \* to be vigilant of critical health care needs of the most underserved communities;
- \* to design and deliver services founded upon sound scientific and public health principles;
- \* to know that there is no way to achieve lasting health, nor wellness, if we do not address structural, socio-economic and health disparities as well as social determinants of health in the communities we serve, and
- \* to remain agile in the face of emerging challenges so that we continue to provide longer-term solutions that are essential and relevant to these communities.

SFCHC offers a unique multi-leveled system of integrated care for homeless and marginally housed HIV-positive populations, incorporating medical care, case management, behavioral health support, dental care, peer navigation, access to stabilization and permanent housing, expanded public insurance programs, and computerized patient registries.

For example, SFCHC administers Homeless Health Outreach Mobile Engagement (HHOME), a Special Project of National Significance (SPNS) funded by the Health Resources and Services Administration



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#### **AIDS CONNECTICUT**

110 Bartholomew Ave., Ste 3050

Hartford, CT 06106-2251



By: \_\_\_\_\_

Name: John Merz

Title: Executive Director

#### **ABOUT AIDS CONNECTICUT**

AIDS Connecticut (ACT) is a statewide coalition of organizations that provide services to people living with HIV/AIDS in Connecticut. ACT, in partnership with its member agencies, improves the lives of people impacted by HIV through care and supportive services, housing, advocacy and prevention. Our vision is that all people impacted by HIV/AIDS in Connecticut have access to a full range of supportive services necessary to maximize quality of life and there are no new HIV infections in Connecticut.





**ADAP Advocacy Association**  
PO Box 15275  
Washington, DC 20003

By:

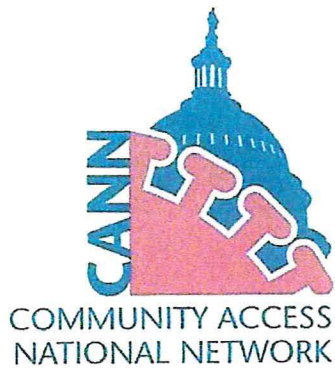


Name: Brandon M. Macsata

Title: CEO

#### **ABOUT ADAP ADVOCACY ASSOCIATION**

The ADAP Advocacy Association (aaa+<sup>®</sup>) is a national 501(c)(3) nonprofit organization incorporated in the District of Columbia to promote and enhance the AIDS Drug Assistance Programs (ADAPs) and improve access to care for persons living with HIV/AIDS. aaa+<sup>®</sup> works with advocates, community, health care, government, patients, pharmaceutical companies and other stakeholders to raise awareness, offer patient educational program, and foster greater community collaboration.



**Community Access National Network**  
1724 Florida Avenue, NW  
Washington, DC 20009

By:



Name: William E. Arnold

Title: President & CEO

#### **ABOUT COMMUNITY ACCESS NATIONAL NETWORK**

The mission of the Community Access National Network (CANN) is to define, promote, and improve access to healthcare services and supports for people living with HIV/AIDS and/or Viral Hepatitis through advocacy, education, and networking. These services must be affordable to the people who need them regardless of insurance status, income, or geographic location.

AIDS Delaware, Inc.

100 West 10<sup>th</sup> Street, Suite #315

Wilmington, DE 19801

By: 

Name: John Gardner

Title: Executive Director

#### ABOUT AIDS DELAWARE

Founded in 1984 by a group of concerned activists to address the needs of the emerging AIDS epidemic, AIDS Delaware is the oldest and largest HIV/AIDS service agency in the State of Delaware. AIDS Delaware has evolved and expanded services over the last 34 years and is widely regarded as a premier leading professional not-for-profit agency working for the health of the human family.

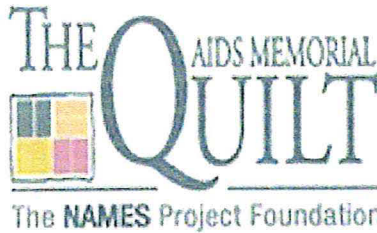
AIDS Delaware is a community-based organization whose mission is to support those living with HIV/AIDS and to stop the spread of HIV through comprehensive services, education and advocacy. We are a recognized leader in servicing the HIV/AIDS population across the state working on both the prevention and treatment sides of the epidemic.

AIDS Delaware currently provides medical case management, mental health counseling, drug & alcohol counseling, Free HIV testing, prevention for positives programs, education and outreach programs and food pantry services.





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NAMES PROJECT | AIDS MEMORIAL QUILT  
117 Luckie Street  
Atlanta, GA 30303

By: \_\_\_\_\_

Name: Julie Rhoad

Title: Executive Director

#### ABOUT NAMES PROJECT | AIDS MEMORIAL QUILT

Established in 1987, The NAMES Project Foundation is the international NGO (non-governmental organization) that is the custodian of The AIDS Memorial Quilt, an official American treasure.

The mission of The NAMES Project Foundation is to preserve, care for and use The AIDS Memorial Quilt to foster healing, heighten awareness, and inspire action in the age of AIDS. Weighing 54 tons and composed of more than 48,000 panels dedicated to more than 94,000 individuals, The AIDS Memorial Quilt is the premier symbol of the AIDS pandemic, our greatest HIV prevention education tool and the largest ongoing piece of community folk art in the world.

Throughout its 25 year history, The Quilt has been used to fight prejudice, raise awareness and funding, as a means to link hands with the global community in the fight against AIDS. Whether The Quilt is displayed as a single section in an elementary school or 1,000 of blocks on the national mall in Washington, it provides balm for the painful wounds of grief, pours oil into the waters made turbulent by controversy, opens eyes that refuse to see and enlists every person who experiences it to play a role in stopping the pandemic.



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**GREGORY HOUSE PROGRAMS**  
200 North Vineyard Blvd, Suite A310  
Honolulu, HI 96817

By: 

Name: Jonathan Berliner

Title: Executive Director

#### **ABOUT GREGORY HOUSE PROGRAMS**

Gregory House Programs is a 501c-3 nonprofit agency. It was founded in 1988 as Ho'omana'olana after a few dedicated and concerned citizens, including Michael Burnett (the first Executive Director), successfully lobbied the State Legislature for funds to start up an AIDS housing program. Around the same time, Richard Smart, owner of Parker Ranch on Hawaii Island, purchased a small apartment complex and named it Gregory House in memory of Charles Gregory, an artist and Mr. Smart's dear friend, who died of AIDS complications in 1985. Gregory House took in the first resident in December 1988.

In 1989, the agency implemented emergency housing and subsidy programs to meet statewide housing needs. In the early 1990s, demand for services increased and working with other community players, the agency helped draft applications to bring new federal funds to the State. In 2012, we added Save the FoodBasket Program (food and nutrition) from a successful merger.

Stable, permanent housing is essential to long term survival with HIV. Without housing, it is difficult for people living with HIV/AIDS (PLWH) to access continuous primary medical care, adhere to a medications regimen, maintain proper nutrition, and access other support. Studies show that housing for PLWH reduces morbidity rates, improves health outcomes, extends life expectancy, and reduces legal issues (citations, jail, court proceedings) and usage of emergency services (ambulance, ER care, crisis intervention). Furthermore, housing reduces new HIV infections as housed PLWH are less likely to engage in risky behaviors than on the streets.



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**DAB THE AIDS BEAR PROJECT**

299 East Screech Owl Drive  
Kuna, Idaho 83634

By: 

Name: Richard Dab Garner

Title: Founder/Chief Executive Officer

**ABOUT DAB THE AIDS BEAR PROJECT**

Dab the AIDS Bear Project is an organization that works in collaboration with Lutheran Social Services of Northeast Florida.

Lutheran Social Services of Northeast Florida, a 501(c)3 non-profit organization, provides the fiscal sponsorship for fundraising activities conducted by Dab the AIDS Bear Project. Contributions are tax deductible to the extent allowable by law.

Through HIV awareness, education and prevention we work to empower our fellow Americans about HIV and AIDS. We are helping to bridge the gap from government funding to provide life saving HIV medications and emergency services for people with HIV and AIDS.

We receive only private donations. Our AIDS Service Organizations do not need another competitor for the few Ryan White and ADAP government funds available.





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607 E. St. Catherine St.  
Louisville KY 40203  
502-587-5080

By: *Lisa Sutton*

Name: Lisa Sutton

Title: Executive Director

### **About House of Ruth**

In existence since 1992, House of Ruth provides housing and support services for people with HIV/AIDS and their families who are homeless, at risk of losing their homes, or need financial help. We do this through a continuum of services: emergency shelter, short and long-term housing, mental health counseling, substance abuse treatment, advocacy for clients, and basic needs assistance to provide food, clothes, rent, utilities, public transportation, and back-to-school support.



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**AIDS PROJECT OF THE OZARKS**  
1636 S. Glenstone Avenue, Suite 100  
Springfield, MO 65804

By: \_\_\_\_\_

Name: Lynne Meyerkord, MSW

Title: Executive Director

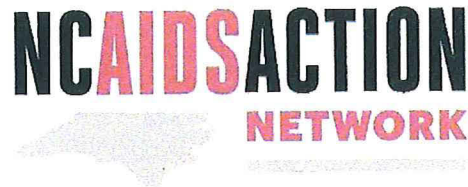
#### **ABOUT AIDS PROJECT OF THE OZARKS**

AIDS Project of the Ozarks (APO) is a free standing, non-profit, community-based medical clinic and AIDS service organization serving 29 counties in Southwest Missouri. APO provides a full range of services on-site, including HIV/STI prevention education, HIV/STI testing, linkage to care case management, ongoing HIV case management, HIV specialty medical care, primary medical care, mental health services, mental health care, and psychiatry. By referral, APO provides dental and specialty care. APO was established in 1985 and now serves an area of approximately 20,000 square miles, with a total population of 1,150,639. According to the HRSA Office of Rural Health, 21 counties in the APO service area are rural, and four counties have rural tracts.



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**NORTH CAROLINA AIDS ACTION NETWORK**  
PO Box 25044  
Raleigh, NC 27612



By: 

Name: Lee Storrow

Title: Executive Director

#### **ABOUT NORTH CAROLINA AIDS ACTION NETWORK**

The North Carolina AIDS Action Network was initially birthed out of the need to end the state's HIV Medication Assistance Program (formerly known as the AIDS Drug Assistance Program) waitlist — once the longest in the nation. As a result of the North Carolina AIDS Action Network's advocacy, North Carolina's HIV Medication Assistance Program ended its waitlist and remains fully funded.

Since its incorporation in 2010, more than 20,000 people have taken action with the organization, resulting in numerous legislative victories and tangible real change for individuals living with HIV & AIDS in North Carolina. More than 7,600 people have asked the Governor to ensure that every North Carolinian living with and at risk for HIV has access to comprehensive healthcare, and the organization has twice successfully stopped legislation which would have taken away minors' rights to consent to sexual and mental health testing and treatment.

Beyond policy change, the North Carolina AIDS Action Network works to cultivate new leaders and create community in the HIV & AIDS advocacy movement. We believe that people living with HIV & AIDS are an invaluable driving force of the HIV & AIDS movement and we strive to uplift their voices and meaningfully involve them in our work. Our advocates have contributed to media stories in the state's major media markets and small-town papers, in addition to blogging, speaking at events and gaining national recognition for their leadership. Each year, over 100 people volunteer and participate in a variety of advocacy activities, such as event outreach, data entry and phone banks. Our annual HIV & AIDS advocacy day at the General Assembly, *HIV Speaks on Jones Street*, brings advocates from the mountains to the coast to educate lawmakers about HIV & AIDS issues, while our annual HIV & AIDS Advocacy Conference in the fall draws in more than 100 people for workshops and fellowship with advocates from North Carolina and across the South.



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**FACES NY, INC.**

123 W. 115th Street  
New York, NY 10026

By: 

Name: Violet Tabor

Title: Executive Director

**ABOUT FACES NY, INC.**

FACES NY, Inc., established in 1985 and incorporated as a non-profit in 1989, has since its inception, served and developed programs for the most vulnerable in our communities to include individuals and families that are chronically homeless and who present with the co-morbidities of HIV/AIDS, serious mental illness and substance use. We provide a community-based, individual-centered approach to service in which all the programs are geared toward the support, development and empowerment of the individual to achieve and maintain a stable and healthy quality of life. Our work is based on an understanding that to best serve individuals, it is critical to provide them with a system of care that not only includes a stable and healthy living environment and appropriate treatment and care, but also, a connection to community, family, friends, and loved ones.



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**BAILEY HOUSE, INC.**

1751 Park Avenue

New York, NY 10035

By: 

Name: Daniel W. Tietz

Title: Chief Executive Officer

**ABOUT BAILEY HOUSE, INC.**

Bailey House is a community-based organization with a 35-year history of providing housing and essential supportive services to individuals and families with HIV/AIDS and other chronic illnesses. Our mission is to help transform the lives of people with or at risk of HIV/AIDS and other chronic illnesses through housing, health services, and community support. Each year, we serve approximately 5,000 marginalized New Yorkers, including nearly 650 men, women, and children in our housing programs. We have a demonstrated track record of success in improving the health, housing, and independent living outcomes for people struggling with homelessness, substance use, mental illness, and the health challenges that accompany chronic illnesses, like HIV/AIDS, through our housing and health services programs.

**ADAP EDUCATIONAL INITIATIVE**

98 Hosack Street  
Columbus, OH 43207

By: 

Name: Edward Hamilton

Title: Executive Director

**ABOUT ADAPEI**

ADAP Educational Initiative, is an all-volunteer project of SAVE ADAP, INC. ADAPEI focuses on HIV Public Policy, grassroots advocacy and all issues related to the Ryan White Programs and primarily the AIDS Drug Assistance Programs.





HIV Alliance  
1195A City View Street  
Eugene, OR 97402

By: [REDACTED]

Name: Geoffrey L'Heureux, PharmD, AAHIVP

Title: HIV Clinical Pharmacist

#### **About HIV Alliance**

HIV Alliance was formed in Eugene, OR in 1994 to support individuals living with HIV/AIDS and prevent new HIV infections. HIV Alliance currently provides care coordination, nurse management, and pharmaceutical support to people living with HIV/AIDS in 11 counties: Lane, Douglas, Jackson, Marion, Josephine, Coos, Klamath, Lake, Lincoln, Curry, and Clatsop Counties. We have three offices in Lane, Marion, and Douglas Counties, and have nurses in Jackson County. At the core of our programs and services are core values, including collaboration, empowerment, adaptability and innovation, continuous improvement, and non-judgment.



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## **ACTION WELLNESS**

1216 Arch Street, 6th Floor

Philadelphia, PA. 19107

By:



Name: Kevin J. Burns, LCSW

Email: [kburns@actionwellness.org](mailto:kburns@actionwellness.org)

Title: Executive Director

## **ABOUT ACTION WELLNESS**

Action Wellness is a Philadelphia-based organization committed to helping people living with chronic illness. Its services include:

- Chronic illness Treatment & Prevention
- Free Rapid Health Screenings (Includes HIV Testing)
- Medical Case Management
- Perinatal & Family Services
- Primary Medical Care
- Supportive Housing Services
- Mental & Behavioral Health
- Volunteer Services
- Educational and Vocational Assistance

Continuing its legacy of providing support and a myriad of services for individuals living with HIV disease, Action Wellness now provides services to those living with chronic illness. Action Wellness staff, volunteers and board members work together to sustain and enhance the quality of life for the diverse community it serves.



A DIVISION OF  
FAMILY SERVICE OF RI

9 Pleasant Street  
Providence, RI 02906

Mailing Address:  
P.O. Box 6688  
Providence, RI 02940

Phone: 401-831-5522  
Fax: 401-454-0299

[www.aidsprojectri.org](http://www.aidsprojectri.org)

By: [REDACTED]

Name: Stephen Hourahan

Title: Executive Director

#### ABOUT AIDS PROJECT RHODE ISLAND

APRI is dedicated to providing a compassionate, nonjudgmental, and collaborative response to the needs of people living with, affected by, and at risk for HIV/AIDS. Founded in 1985, APRI currently provides the largest number of support services in the state of Rhode Island for individuals living with HIV/AIDS, including mental health counseling, personalized case management, emergency financial assistance, a food pantry, dental program, housing advocacy, and a comprehensive HIV and STI testing program. In addition, APRI hosts the annual AIDS Run/Walk for Life, which raises funds for its programs and continues to educate the public at large about issues affecting those living with and at risk for HIV. APRI is a division of Family Service of Rhode Island. For more information, please visit [aidsprojectri.org](http://aidsprojectri.org), [facebook.com/AIDSPROJECTRhodeIsland](https://facebook.com/AIDSPROJECTRhodeIsland) or [twitter.com/AIDSPROJECTRI](https://twitter.com/AIDSPROJECTRI).



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**LIFELONG**  
P.O. Box 80547  
Seattle, WA 98108

By: \_\_\_\_\_

Name: Barbara Ebert

Title: Executive Director

#### **ABOUT LIFELONG**

The mission of Lifelong is to *empower people living with or at risk of HIV and/or other chronic conditions to lead healthier lives*. Lifelong envisions a world without HIV, where every person living with any illness is treated with dignity and respect.

Lifelong AIDS Alliance (Lifelong) is a multidisciplinary, 501(c) 3 non-profit regional provider of care and prevention services to people living with HIV and other chronic illnesses throughout western Washington.

Lifelong is in its 35<sup>th</sup> year of service; has 120+ staff and provides services to nearly 7,000 clients annually, across 11 western Washington Counties. Our core services are: medical case management; non-medical case management; housing case management; emergency, transitional and permanent housing; recovery support services; insurance support, care coordination; HIV prevention services; food and nutrition services; and medical transportation services.